

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CLINTON COUNTY YMCA, ET AL.,

Plaintiff

v.

CIVIL ACTION: C-1-05-137

SUDDER AND ASSOCIATES, INC.,

Defendant

**AMENDED SCHEDULING ORDER AND PRE-TRIAL PROCEDURES**

Pursuant to the record established at the conference held on 6/27/06, the following amendments to the schedule are hereby entered:

(1) The discovery cut-off date is September 15, 2006.

(2) Joint Status Report deadline is vacated.

(3) All dispositive Pretrial Motions shall be filed by October 2, 2006. With the dispositive motion, the movant shall file **ELECTRONICALLY** with the Court, ***deliver a courtesy copy to Chambers via email at [weber\\_chambers@ohsd.uscourts.gov](mailto:weber_chambers@ohsd.uscourts.gov)*** and serve upon opposing counsel Proposed Findings of Fact and Conclusions of Law supporting movant's request for relief. Twenty days thereafter, opposing counsel shall file with the Court and serve with its Response to the dispositive motion a copy of movant's Proposed Findings of Facts and Conclusions of Law highlighted/underlined in the following manner:

- a) Highlight/underline in **BLUE** those Findings of Fact which are true;
- b) Highlight/underline in **YELLOW** those Findings of Fact which are true but irrelevant or unimportant;
- c) Highlight/underline in **RED** those Findings of Fact which are not true; and
- d) Highlight/underline in **RED** any misstatement of law contained in the Conclusions of Law.

Opposing counsel may also file a Counter-Statement of Findings of Fact and Conclusions of Law.

Within ten days thereafter the movant shall file its Reply. If a Counter-Statement of

Findings of Fact and Conclusions of Law has been filed, the movant shall serve upon opposing counsel and attach to its Reply a copy of the Counter Statement of Findings of Fact and Conclusions of Law highlighted/underlined in the manner described above.

Counsel shall deliver a courtesy hard copy of highlighted/underlined Proposed and/or Counter-Statement of Findings of Fact and Conclusions of Law to Chambers.

(4) All non-dispositive motions shall include a Statement of Conference indicating whether the motion is opposed or unopposed.

(5) All proposed orders shall be e:mailed to the following e:mail address: **weber\_chambers@ohsd.uscourts.gov**.

(6) Counsel shall file their Proposed Joint Final Pretrial Order by November 5, 2006 and this case shall proceed to trial in December 2006 trial term.

**IT IS SO ORDERED.**

s/Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court